



CITY OF KNOXVILLE

Last revised 8/3/16

Market Square Patio Area Limited Use Agreement Application

Date: _____

Address of Proposed Patio Location: _____

Applicant's Name or Business Entity: _____

Applicant's Relationship to Proposed Patio Location:

☐ Owner ☐ Tenant ☐ Neighbor

☐ Other: _____

Contact Information for communications regarding this Application:

Name: _____

Mailing Address: _____

Primary Phone: _____ Alternate Phone: _____

Email address: _____

Owner of Proposed Patio Location (if different than Contact Information above):

Name: _____

Mailing Address: _____

Primary Phone: _____ Alternate Phone: _____

Email address: _____

If food, liquor or beer will be served within the sidewalk use area, please provide the following information for the premises:

Current Food Service Permit Number: _____

Current Liquor License Number: _____

Current Beer Permit Number: _____

Have you ever had a license and/or permit revoked or suspended?

NO ☐ YES ☐ IF YES, ATTACH EXPLANATION

Have you or your business entity been cited for any violations of the municipal code or health code within the last twelve (12) months preceding the date of application?

NO ☐ YES ☐ IF YES, ATTACH EXPLANATION

I attest that all information included in this Application is true and accurate.

Applicant's Signature: _____ Date: _____

Property Owner's Signature: _____ Date: _____

For City Use Only (Please Print Name and Sign)

Approved by: _____ Policy Development Date: _____

Approved by: _____ Building Codes Date: _____

Approved by: _____ Building Codes Date: _____

Approved by: _____ Fire Inspections Date: _____

Approved by: _____ Engineering Date: _____

Approved by: _____ Law Date: _____



Required Attachments For All Market Square Patio Area Limited Use Agreement Applications:

Please check boxes and submit this page and all attachments with your application.

☐ **Completed Vendor Application.** Applicants who have not previously entered into agreements or otherwise conducted business with the City of Knoxville and have not been assigned a City of Knoxville vendor number must register online with the City of Knoxville Purchasing Division at the same time as this application. Instructions for registering online are available on a link called “Vendor Self-Service Account – Set Up & Log-in” found on the City of Knoxville Purchasing Division’s website at www.knoxvilletn.gov/purchasing. Approval of this Market Square Patio Area Limited Use Application is contingent upon applicant being assigned a City of Knoxville vendor number.

☐ **Property Map and Details Report from KGIS.** Search by address, parcel number or owner’s name at <http://www.kgis.org>.

☐ **Site Plan for Proposed Sidewalk Use (see attached sample).** The limited use area may be a rectangular area directly contiguous to the exterior of the subject storefront. The area may not extend into a designated fire lane. On Market Square, the sidewalk use area may extend a maximum of ten (10) feet from the building. The site plan will be reviewed by the City’s Engineering, Building Inspections and Fire Departments and must meet all applicable city codes. The site plan must be stamped by the Fire Marshall’s Office and kept on site at all times. The site plan must include all dimensions and show all furniture plans and railing details if requested.

☐ **Certificate of Commercial General Liability Insurance** - The Permittee will procure and maintain for the duration of this Agreement insurance of the types and in the amounts described below against claims for injuries to persons or damages to property which may arise from or in connection with this Agreement.

A. Commercial General and Umbrella Liability Insurance; occurrence version commercial general liability insurance, and if necessary umbrella liability insurance, with a limit of not less than \$2,000,000 each occurrence for bodily injury, personal injury, property damage, and products and completed operations. If such insurance contains a general aggregate limit, it shall apply separately to the work/location in this Agreement or be no less than \$3,000,000. Such insurance shall:

1. Contain or be endorsed to contain a provision that includes the City, its officials, officers, employees, and volunteers as additional insureds with respect to liability arising out of work or operations performed by or on behalf of the Permittee including materials, parts, or equipment furnished in connection with such work or operations. The coverage shall contain no special limitations on the scope of its protection afforded to the above-listed insureds.

2. For any claims related to this project, Permittee’s insurance coverage shall be primary insurance as respects the City, its officers, officials, employees, and volunteers. Any insurance or self-insurance programs covering the City, its officials, officers, employees, and volunteers shall be excess of Permittee’s insurance and shall not contribute with it.

3. At the sole discretion of the City, dedicated limits of liability for this specific project may be required.

B. Workers’ Compensation Insurance. Permittee shall maintain workers’ compensation insurance with statutory limits as required by the State of Tennessee or other applicable laws and employers’ liability insurance with limits of not less than \$500,000. Permittee shall require each of its subcontractors to provide Workers’ Compensation for all of the latter’s employees to be engaged in such work unless such employees are covered by Permittee’s workers’ compensation insurance coverage. Such insurance shall include a waiver of subrogation in favor of the City.

C. Other Insurance Requirements. Permittee shall:

1. Prior to commencement of services, furnish the City with original certificates and amendatory endorsements effecting coverage required by this section and provide that such insurance shall not be cancelled, allowed to expire, or be materially reduced in coverage except on 30 days' prior written notice to the Law Director, City of Knoxville, P.O. Box 1631, Knoxville, Tennessee 37901.

2. Provide certified copies of endorsements and policies if requested by the City in lieu of or in addition to certificates of insurance.

3. Replace certificates, policies, and endorsements for any such insurance expiring prior to completion of services.

4. Maintain such insurance from the time services commence until services are completed. Failure to maintain or renew coverage or to provide evidence of renewal may be treated by the City as a material breach of contract.

5. Require all subcontractors to maintain during the term of the Agreement Commercial General Liability insurance, Business Automobile Liability insurance, and Workers' Compensation/Employer's Liability insurance (unless subcontractor's employees are covered by Permittee's insurance) in the same manner as specified for Permittee. Permittee shall furnish subcontractors' certificates of insurance to the City without expense immediately upon request.

6. Any deductibles and/or self-insured retentions greater than \$50,000 must be disclosed to and approved by the City of Knoxville prior to the commencement of services. Use of large deductibles and/or self-insured retentions will require proof of financial ability as determined by the City.

7. The insurer shall agree to waive all rights of subrogation against the City, its officers, officials, and employees for losses arising from work performed by Permittee for the City.

All policies must be written on an occurrence basis. Use of policies written on a claims made basis must be approved by the City and retroactive dates and/or continuation dates must be provided to the City prior to commencement of any work performed.

☐ **Check for \$15.00, made payable to the City of Knoxville.** This covers your right-of-way permit.

Please Check Applicable Boxes Below:

☐ **I am an existing agreement holder, and my location has an awning or canopy.**

☐ **I plan to install an awning or canopy.** Contact Peter Ahrens at 215-3938, pahrens@knoxvilletn.gov, to discuss building permit requirements and fees. You may not begin installation until you have obtained a building permit. If you plan to install an awning or canopy, you must also have your design approved by the Historic Zoning Commission. Contact Kaye Graybeal at 215-3795, kaye.graybeal@knoxmpc.org, to discuss the design review process. There will be an additional \$70 processing fee assessed by the HZC.

☐ **I plan to install a rail.** Contact Peter Ahrens at 215-3938, pahrens@knoxvilletn.gov, to discuss building permit requirements and fees. You may not begin installation until you have obtained a building permit.

☐ **I wish for my patio area to extend laterally beyond my building, to the sidewalk use area in front of an adjacent building.** You must attach a letter from the property owner of the adjacent building explicitly granting you permission to enter into a Market Square patio area limited use agreement with the City of Knoxville for use of said area. The letter should contain the address of the adjacent property as well as the owner's name and signature.



Market Square Patio Area Limited Use Agreement Application Procedure:

Please complete your application and send or deliver **the application and all required attachments**, including a **check in the amount of \$15.00** made payable to the City of Knoxville, to:
Rick Emmett, Downtown Coordinator
City of Knoxville
400 Main Street, Suite 470B
Knoxville, Tennessee, 37902

The City will review your application and someone may call you if additional information is needed. If approved, we will send you a Limited Use Agreement and a Right-of-way Permit for your review and we will then call you to set up an appointment to obtain your signature on these documents. We will make every effort to process your application as quickly as possible.

Renewal Procedure:

Send a letter requesting a renewal, noting any changes, and a current certificate of liability insurance to:
Rick Emmett, Downtown Coordinator
City of Knoxville
P. O. Box 1631
Knoxville, Tennessee, 37901-1631

Questions?

General Questions – Rick Emmett, 215-3837, remmett@knoxvilletn.gov

Building Permits – Peter Ahrens, 215-3938, pahrens@knoxvilletn.gov

Fire Marshall – Sonny Partin, 215-2283, spartin@knoxvilletn.gov

Historic Zoning Commission – Kaye Graybeal, 215-3795, kaye.graybeal@knoxmpc.org

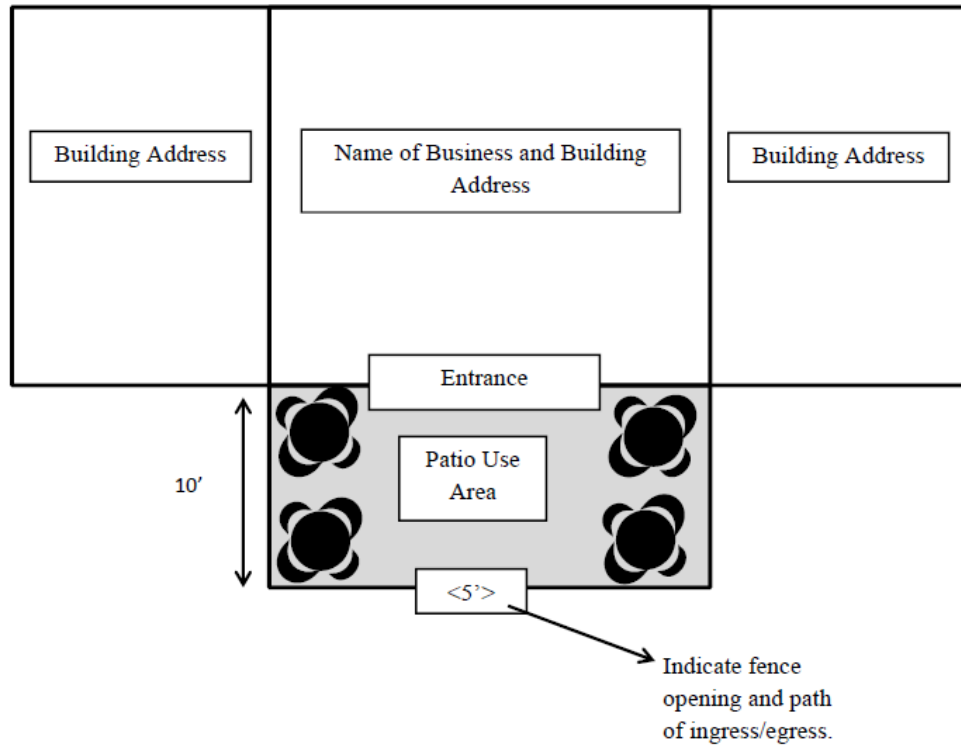
Engineering – Mark Johnson, 215-2608, mjohnson@knoxvilletn.gov

Sample Site Plan

Name of Applicant

Name of Business

Address of Business



FOR MARKET SQUARE PATIO AREA LIMITED USE AGREEMENTS



Market Square Patio Area Limited Use Agreement Rules & Regulations

1. A Market Square patio area limited use agreement is valid for two (2) years from the date of issuance and is renewable in two (2) year increments. To renew the agreement, you will need to submit a request for renewal to the City of Knoxville Law Department with a current Certificate of Commercial Liability Insurance naming the City of Knoxville as an additional insured party. This Agreement is only valid for the business noted on the application.
2. All Market Square patio area uses must adhere to the size, design, layout, and any other specifications approved by the City at all times. Strict adherence to required standards as set forth herein is mandatory. All uses other than those described in the application require prior approval from the City. A temporary sign permit must be obtained to add signage to permit area.
3. City code enforcement officers and other appropriate City officials will inspect all patio use areas after the use agreement has been issued and the patio is in operation. Any violations of these rules and regulations, or any deviation from approved plans or willful omissions of the application will result in revocation of the limited use agreement.
4. The following are strictly prohibited in or on the Market Square patio use area.
 - a. The cooking or preparation of any food.*
 - b. The storage of any food, beer and alcoholic or non-alcoholic beverage containers, including but not limited to vending machines, carts, cartons, kegs, boxes, bottles, or other such containers.
 - c. The placement or drilling of any stakes, rods, support poles, or holes for whatever purpose.
 - d. The placement of any permanent fixtures.
 - e. The lighting of fires.
 - f. Propane, gas-powered, or portable heaters.
 - g. Anything else that could cause physical or structural damage to the sidewalk use area, or cause unreasonable disturbance to the neighborhood, as determined by the City.
5. It is the Permittee's responsibility to ensure that the business's commercial liability insurance does not expire, and that the City Law Department receives documentation when insurance policies are renewed or changed.
6. All employees of businesses utilizing the sidewalk use area shall be subject to and comply with all applicable requirements and standards for a retail establishment. Owners, employees and patrons must wear shoes and shirts at all times.



Market Square Patio Area Limited Use Agreement Rules & Regulations (continued):

7. All areas within and surrounding the Market Square patio area must be maintained in a clean, neat and sanitary condition. Some methods of cleaning and maintenance, such as pressure washing, may be subject to the City of Knoxville Stormwater Ordinance. Please call 215-2147 if you have questions or would like more information.
8. A Permittee may not charge or assess any fees to its patrons for use or access to the sidewalk use area. Costs for patrons who use the patio area may not exceed costs for patrons who do not use the patio use area.
9. Service of alcoholic beverages within the patio use area must comply with applicable provisions of Knoxville City Code.
10. Amplified music, whether live or recorded, shall be strictly prohibited on all patio use areas. No speakers, televisions, or other audio or video devices shall be permitted.
11. All Market Square patio use areas shall be accessible to disabled patrons and employees and patio elements may not obstruct doorways or otherwise impinge on building ingress or egress as defined by the current building code.
12. If the subject property is located within the D-1 Downtown Design Review Overlay District and/or Historic Zoning District, the applicant may be asked to submit sketches or photographs of design elements for review by the Design Review Board or its administrative staff, or the Historic Zoning Commission.
13. The City of Knoxville reserves the right to amend these rules and regulations at any time.
14. The City of Knoxville may terminate a patio area limited use agreement at any time, with or without cause, by written notice of termination to the Permittee.

* Please note – If you would like to learn more about the process for becoming a special events vendor, please contact Judith Foltz at 215-4248.